

PART 3 – LAND USE

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CHAPTER 1 – PERMITTED USES IN RESIDENTIAL DISTRICTS

Section 3-101 Purpose and Applicability.

- A. Purpose.** The residential districts are designed to provide neighborhoods with a range of housing densities. The differences in these housing densities and regulations are intended to support the varying lifestyles of the city's residents. The districts provide for a range of residential habitation including rural-agricultural, single-family, multi-family, *mobile home*, and combinations thereof, together with *home occupations*, *schools*, parks, and public *services* necessary for neighborhood living.
- B. Applicability.** Residential zoning districts fall under three categories:
1. Single-family residential (AG, R1-15, R1-10, R1-8, R1-7, R1-6, R1-5, R1-4 and R1-PAD);
 2. Multi-family residential (R-2, R-3R, R-3, R-4, R-5); and
 3. Mobile home (RMH, MHS and TP).
- C. Applicability of Other Code Chapters.** Uses permitted under this chapter shall conform to the *development* standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any *overlay district* requirements that are applicable. Uses permitted with special standards or limitations (“S” type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. See also, Zoning Administrator Opinions in Appendix H.

City code reference—See TCC §14A, Historic Preservation Ordinance.

Section 3-102 Permitted Uses in Residential Districts.

Table 3-102 identifies land uses according to permit status. See key below the table:

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)				
Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Accessory Buildings [Section 3-401]	U(S)	U(S)	S	S
Accessory Uses and Structures – except accessory dwelling [Section 3-401]	S	S	S	S
Accessory Dwelling [Section 3-402]	N	N	U(S)	N
Amateur Radio Antennas [Section 3-422]				
35 feet in height or less	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)
Animals				
Horses [Section 3-404]				
Keeping of, residential use	S	U(S)	N	N
Stables, commercial use	U(S)	N	N	N
Livestock: Cattle, Sheep, or similar [Section 3-404]	S	N	N	N
Small Animals: Aviaries, Chicken, Rabbits, or similar [TCC §§6-3] [Section 3-404]				
For farming (AG only)	S	N	N	N
Maximum 5 each, excluding roosters and peafowl	S	S	N	N
Apiaries [Section 3-404]	U(S)	N	N	N
Bed and Breakfast [Section 3-405]	U(S)	U(S)	U(S)	N
Boarding Room [Section 3-410]	S	S	P	P
Boutique [Section 3-406]	S	S	S	N
Cemeteries, Mausoleums, Crematoriums	U	N	U	N
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary [Section 3-419]	S	S	S	S
Child Care, In-Home				
Not to exceed 6 children [Section 3-407]	S	S	S	N
7 to 10 children [Section 3-407]	U(S)	U(S)	U(S)	N
Childcare Centers: Nursery Schools, Day Care Centers, similar (R-3R, R-3, and R-4 districts only)	N	N	U	N
Country Clubs, Private Clubs, Golf Courses	U	U	U	N

Key:

P = Permitted
 S = Permitted with special standards or limitations
 U = Use permit required
 N = Not permitted

AG = Agriculture districts
 SFR = Single-family districts
 MF = Multi-family districts
 MH = Mobile home district

RMH = Mobile Home Residence
 TP = Trailer Park

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)

Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Fraternity and Sorority Houses (R-3 and R-4 Districts Only)	N	N	U	N
Group Homes for Adult Care, Persons with Disabilities, and Child Shelter [Section 3-409]	S	S	S	N
Guest Quarters [Section 3-411]				
Attached	S	U(S)	N	N
Detached	U(S)	U(S)	N	N
Home Occupations [Section 3-412]	S	S	S	S
Hospitals, Sanitariums, Nursing Homes: e.g. Orphanages, Institutions (AG, R-3R, R-3, R-4 only) [Section 3-413]	U(S)	N	U(S)	N
Live-Work [Section 3-414]	N	N	U(S)	N
Mobile Homes [Section 3-416]	N	N	N	S
Multi-Family Dwelling (2 or more dwellings)	N	N	P	N
Parking Facilities for Commercial Uses (off-street and not enclosed in a building)	N	N	U	N
Places of Worship (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school use which are ancillary to main use	P	P	P	P
Childcare center, private or charter school not ancillary to main use	U	U	U	U
Processing of Farm Products [Section 3-404]	U(S)	N	N	N
Public Uses				
Civic facilities (e.g., post office, library, city office, customer serving)	U	U	U	N
Municipal facilities (maintenance, repair and storage)	U	U	U	N
Open space, parks, similar uses (See also, Schools)	U	U	U	N
Residential Sales Office, Temporary [Section 3-419]	S	S	S	S
Retailing of Farm Products Produced on Premises	U	N	N	N
School				
Charter	U	U	U	U
Instructional	U	U	U	U
Private	U	U	U	U
Public	P	P	P	P
Vocational	N	N	N	N
Similar Uses [Section 6-301]	S	S	S	S
Single-Family Dwelling (See Section 7-107, definition of <i>family</i>)	S	S	P	P
Second Story Addition or Replace Single Story with 2 or More Stories [Section 3-420]	U(S)	U(S)	U(S)	N
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)

CHAPTER 2 – PERMITTED USES IN COMMERCIAL AND MIXED-USE DISTRICTS

Section 3-201 Purpose and Applicability.

- A. Purpose.** The commercial and *mixed-use* districts are established to provide a mixture of complimentary land uses including *retail*, *offices*, commercial *services*, *civic uses*, and housing. These districts are intended to create economic and social vitality and to encourage trip reduction; and encourage pedestrian circulation as an alternative to driving and provide employment and housing options.
- B. Applicability.** Commercial and *mixed-use* districts fall under six categories:
1. Residential/Office (R/O). The R/O district allows professional and administrative *services*, *live-work*, and limited *retail* uses on small parcels located between higher *intensity* commercial and multi-use zones and residential zones;
 2. Commercial Shopping and Services (CSS) (previously designated as CCR, C-1 and C-2 districts). The CSS district is intended to meet the daily shopping and *service* needs of Tempe's neighborhoods;
 3. City Center (CC) (previously designated as CCD). The CC district fosters employment and livability in Tempe's city center by providing *retail*, *offices*, moderate- and high-*density* residential uses, *entertainment*, *civic uses*, and cultural exchange in a *mixed-use* environment that supports the public investment in transit and other public facilities and *services*;
 4. Planned Commercial Center (PCC-1, PCC-2). The PCC districts are for neighborhood (PCC-1) or general (PCC-2) retailing, *services* and *entertainment* uses oriented to serve the needs of the neighborhood, community or the metropolitan region. Residential uses may be allowed subject to a *use permit*;
 5. Regional Commercial Center (RCC). The RCC district provides regional shopping facilities in locations deemed appropriate to serve large demographic areas; and
 6. *Mixed-Use* Commercial and Residential [MU-1, MU-2, MU-3, MU-4 (MU-4 previously designated as MG district)]. All MU zone districts require the integration of commercial and residential uses to support pedestrian circulation and transit as alternates to driving, and to provide employment and housing options. MU districts allow a range of *development* intensities and uses including, but not limited to: personal and professional *services*, institutional and *civic uses*, *retail*, *multi-family dwellings*, *attached single-family dwellings*, and *mixed-use buildings* and *building sites*. All *mixed-use* districts require a PAD Overlay for processing.

- a. The MU-1 district allows low to medium *density* housing to be combined with commercial, *office* and *public uses* that serve the neighborhood. Residential uses are allowed up to ten (10) units per acre. Permitted commercial uses are limited to those that are compatible with low to medium *density* housing.
- b. The MU-2 district allows medium *density* housing to be combined with commercial, *office* and *public uses* that serve the neighborhood. Residential uses are allowed up to fifteen (15) units per acre. Permitted commercial uses include those that are allowed in the MU-1 district, and some *hotels*, *motels* and lodging when approved with a *use permit*.
- c. The MU-3 district allows medium to high *density* housing to be combined with commercial, *office* and *public uses* that serve the neighborhood and/or community. Residential uses are allowed up to twenty-five (25) units per acre. Permitted commercial uses include those that are allowed in the MU-1 and MU-2 districts, and *hotels* and *motels* (permitted); and *hospitals*, commercial *parking*, and *retail*, financial and *restaurant* uses with drive through facilities when approved with a *use permit*.
- d. The MU-4 district (previously designated as MG district) allows unlimited housing *density* in a *mixed-use* setting with commercial, *office*, and *public uses*. *Development intensity* in the MU-4 district is established through the PAD Overlay process and must be consistent with the General Plan and the city's ability to provide public facilities.

C. Applicability of Other Code Chapters. Uses permitted under this chapter shall conform to the *development* standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any *overlay district* requirements that are applicable. Uses permitted with special standards or limitations ("S" type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. Zoning Administrator opinions may also apply. See Appendix H.

City code reference—See TCC §14A, Historic Preservation Ordinance.

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts

Table 3-202A identifies land uses according to permit status. See key below the table:

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)						
Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Accessory Use (see Section 7-102, Definitions)	P	P	P	P	P	P
Animal Kennel	N	U	U	U	U	U
Amateur Radio Antennas [Section 3-422]						
35 feet in height or less	S	S	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)
Brewery, ancillary to a bar (a)	N	P	P	P	P	P
Cemeteries, Crematoriums and Mausoleums	N	U	U	U	U	N
Childcare Centers: Nursery Schools, Day Care Centers, similar	P	P	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P	P	P
Clubs						
Bar (indoor or outdoor), tavern, or nightclub (a)	N	U	U	U	U	P
Lodge or similar organization (a)	N	P	P	P	P	P
Teen night club (a)	N	U	U	U	U	U
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary – incidental to a construction project only for the duration of such project; not to exceed 24 months	P	P	P	P	P	P
Entertainment	N	U	U	U	U	P
Amusement businesses (a)	N	U	U	U	U	P
Outdoor (permanent use)	N	U	U	U	U	U
Theater or similar use	N	P	P	P	P	P
Fitness Centers: e.g. Heath Club, Fitness Studio	N	P	P	P	P	P
Heliport	N	U	U	U	U	U
Hospitals, Sanitariums, Nursing Homes: e.g. Orphanages, Institutions [Section 3-413]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Hotels and Motels (a)	N	U	P	U	U	P
Live-Work [Section 3-414]	S	N	S	U(S)	U(S)	N

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted
R/O = Residential/Office
(a) Security plan required. See Appendix.

CSS = Commercial Shopping and Services (previously designated as CCR, C-1, C-2 districts)
CC = City Center (previously designated as CCD)
PCC-1 = Planned Commercial Center Neighborhood
PCC-2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	U(S)	N	U(S)	U(S)	S
Offices	P	P	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	U	U	U
Parking Facilities, Commercial						
Surface	N	U	U	P	P	P
Structure	N	U	P	U	U	P
Places of Worship – (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school uses which are ancillary to main use	P	P	P	P	P	P
Childcare center, private or charter school not ancillary to main use	U	U	U	U	U	U
Public Uses						
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	U	U	U	U	U
Open space, parks, similar uses (See also, Schools)	P	P	P	P	P	P
Radio and Television Studios with Receiving and Transmitting Towers	N	U	N	U	U	P
Resale Items	N	U	U	U	U	U
Antiques	N	U	U	U	U	U
Pawn Shops	N	U	U	U	U	U
Second Hand Stores	N	U	U	U	U	U
Residential, caretaker residence	P	P	P	P	P	P
Residential (all types)	P	U	P	U	U	N
Restaurants (a)	N	P	P	P	P	P
Entertainment as accessory use (a)	N	U	U	U	U	P
Outdoor dining (a)	N	P	P	P	P	P
With drive-in or drive-through, [Section 3-408]	N	U(S)	N	S	S	S
With liquor license (a)	N	P	P	P	P	P
Retail Sales	N	P	P	P	P	P

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted
R/O = Residential/Office
(a) **Security plan required. See Appendix.**

CSS = Commercial Shopping and Services (previously designated as CCR, C-1, C-2 districts)
CC = City Center (previously designated as CCD)
PCC-1 = Planned Commercial Center Neighborhood
PCC-2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Convenience Store (a)	N	P	P	P	P	P
with gas/fuel sales (a)	N	U	U	U	U	U
Drive-through or drive-in [Section 3-408]	N	U(S)	S	S	S	S
Outdoor retail display [Section 3-418]	N	N	S	N	N	N
Outdoor retailing [Section 3-417]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Schools						
Charter	U	U	U	U	U	U
Instructional	P	P	P	P	P	P
Private	U	U	U	U	U	U
Public	P	P	P	P	P	P
Vocational	N	U	U	U	U	U
Services						
Barber/ beauty salon	P	P	P	P	P	P
Financial institution (without drive through)	P	P	P	P	P	P
Personal or business (e.g. drycleaner, small appliance repair, massage therapist)	N	P	P	P	P	P
Photography Studio, except adult-oriented businesses	N	P	P	P	P	P
Tattoo shops, body piercing	N	U	U	U	U	U
Tutoring/After school learning center	P	P	P	P	P	P
Vehicle based service (e.g. courier, delivery service, taxi dispatch)	N	U	U	U	U	U
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	S	S
Similar Uses [Section 6-301]	S	S	S	S	S	S
Vehicle						
Car wash, full service [Section 3-408]	N	U(S)	N	U(S)	U(S)	S
Car wash, self service [Section 3-408]	N	U(S)	N	U(S)	U(S)	S
Vehicle repair/service	N	N	U	U	U	P
Sales, rental	N	N	U	U	U	P
Service station	N	U	N	U	U	P
Warehouse Commercial	N	P	P	P	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)

Key:

P = Permitted
 S = Permitted with special standards or limitations
 U = Use permit required
 N = Not permitted
 R/O = Residential/Office
 CSS = Commercial Shopping and Services (previously designated as CCR, C-1, C-2 districts)
 CC = City Center (previously designated as CCD)
 PCC-1 = Planned Commercial Center Neighborhood
 PCC-2 = Planned Commercial Center Comprehensive
 RCC = Regional Commercial Center

(a) Security plan required. See Appendix.

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4)

Uses	Districts			
	MU-1	MU-2	MU-3	MU-4
Accessory Use	P	P	P	P
Amateur Radio Antennas [Section 3-422]				
35 feet in height or less	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)
Bed and Breakfast [Section 3-405]	U(S)	U(S)	U(S)	U(S)
Brewery, ancillary to a bar (a)	P	P	P	P
Childcare, In-Home				
Not to exceed 6 children [Section 3-407]	S	S	S	S
7 to 10 children [Section 3-407]	U(S)	U(S)	U(S)	U(S)
Childcare Centers: Nursery Schools, Day Care Centers, similar	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P
Clubs				
Bar, tavern, nightclub (a)	U	U	U	P
Lodges & similar organization (a)	U	P	P	P
Teen nightclub (dance hall) (a)	N	N	U	P
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary – incidental to a construction project only for the duration of such project, not to exceed 24 months	P	P	P	P
Entertainment				
Amusement businesses (arcade) (a)	N	U	U	P
Outdoor/permanent use	N	N	N	N
Theater or similar use	U	U	U	P
Fitness Centers: e.g. Health Club, Fitness Studio	P	P	P	P
Hospitals, Sanitariums, and Nursing Homes: e.g. Orphanages, Institutions [Section 3-413]	N	N	U(S)	U(S)
Hotels and Motels (a)	N	U	P	P
Live-Work [Section 3-414]	S	S	S	S
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	N	N	N
Offices	P	P	P	P

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (previously designated as MG district)

(a) Security plan required. See Appendix.

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4)

Uses	Districts			
	MU-1	MU-2	MU-3	MU-4
Outdoor Storage of equipment, goods, or materials	N	N	N	N
Parking Facilities, Commercial				
Surface	N	N	U	U
Structure	N	N	U	U
Places of Worship (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school uses which are ancillary to main use	P	P	P	P
Childcare center, private school, or charter not ancillary to main use	U	U	U	U
Public Uses				
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	N	N	N
Open space, parks, similar uses (See also, Schools)	P	P	P	P
Resale Items				
Antiques	U	U	U	U
Pawn Shops	N	N	N	N
Second Hand Stores	N	N	N	N
Residential – of a caretaker or operator employed on the premises	P	P	P	P
Residential (all types)	P	P	P	P
Restaurants	P	P	P	P
Entertainment as accessory use (a)	U	U	U	P
Outdoor seating	P	P	P	P
With drive-in or drive-through [Section 3-408]	N	N	U	P
With liquor license (a)	P	P	P	P
Retail Sales:				
Convenience Store (a)	P	P	P	P
with gas/fuel sales (a)	N	N	N	N
Drive-through [Section 3-408]	N	N	U(S)	S
Outdoor retailing [Section 3-417]	U(S)	U(S)	U(S)	U(S)

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (previously designated as MG district)

(a) Security plan required. See Appendix.

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4)

Uses	Districts			
	MU-1	MU-2	MU-3	MU-4
Schools				
Charter	U	U	U	U
Instructional	U	U	U	U
Private	U	U	U	U
Public	P	P	P	P
Vocational	U	U	U	U
Services				
Barber/Beauty Salon	P	P	P	P
Financial institutions (without drive through)	P	P	P	P
Personal or business (e.g. drycleaner, small appliance repair, massage therapist)	P	P	P	P
Photography Studio, except adult-oriented businesses	P	P	P	P
Vehicle base service (courier, delivery service, taxi dispatch)	N	N	N	N
Tattoo shops, body piercing	N	N	U	U
Tutoring/After school learning center	P	P	P	P
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S
Similar Uses [Section 6-301]	S	S	S	S
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (previously designated as MG district)

(a) Security plan required. See Appendix.

CHAPTER 3 – PERMITTED USES IN OFFICE/INDUSTRIAL DISTRICTS

Section 3-301 Purpose and Applicability.

- A. Purpose.** The *office*/industrial districts are designed to provide for *office*/industrial business involved in research, warehousing, *wholesaling*, and manufacturing. The facilities range from administrative and research institutions to assembly and production. The *office*/industrial districts allow a range of industrial uses, as expressed below.
- B. Applicability.** Industrial uses are accommodated in three districts:
1. Light Industrial District (LID) (formerly known as IBD district). Administrative and research industries, *offices*, and limited manufacturing to provide opportunities for employment and for protection to neighborhood residential areas;
 2. General Industrial District (GID) (formerly known as I-1 and 1-2 districts). *Office* uses, warehousing, *wholesaling*, assembling and manufacturing of *building* materials, machinery and other commodities to provide employment centers and production; and
 3. Heavy Industrial District (HID) (formerly known as I-3 district). Intensive manufacturing, fabricating, and storage to provide for concentrated industrial uses.
- C. Applicability of Other Code Chapters.** Uses permitted under this chapter shall conform to the *development* standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any *overlay district* requirements that are applicable. Uses permitted with special standards or limitations (“S” type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. Zoning Administrator opinions may also apply. See Appendix H.

City code reference—See TCC §14A, Historic Preservation Ordinance.

Section 3-302 Permitted Uses in Office/Industrial Districts.

Table 3-302A identifies land uses according to permit status. See key below the table:

Table 3-302A Permitted Land Uses (LID, GID, HID)			
Uses	Districts		
	LID	GID	HID
Accessory Use	P	P	P
Adult Businesses [Section 3-403]	N	S	S
Amateur Radio Antennas [Section 3-422]			
35 feet in height or less	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)
Animal Kennels, and Animal Hospitals	N	P	P
Auto Body Repair	N	P	P
Automobile Salvage	N	N	P
Ball Bearing, Boxes or Cabinets Manufacturing	N	U	P
Cement and Paving Material Mixing Plant	N	N	P
Chocolate, Cocoa or Coffee Roasting or Manufacturing	N	U	P
Clinics: Medical, Dental and Veterinary	P	P	P
Computer Centers, including Computer Hotels and Similar Technology Facilities	P	P	P
Commercial Uses – allowed in the commercial and mixed-use districts (except outdoor display and residential unless otherwise noted) [Section 3-202]	N	U	U
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary – incidental to a construction project only for the duration of such project, not to exceed 24 months	P	P	P
Electronic Instruments and Devices, Computers, Assembling and Manufacturing	P	P	P
Exterminator and Insect Poison Manufacturing	N	N	P
Extraction of Sand, Gravel and Other Natural Resources	N	N	U
Farming, Landscaping and Agricultural Supplies and Equipment, Wholesaling and Storage	N	P	P
Foundry Casting Light-Weight, Nonferrous Metal, not Causing Noxious Odors or Fumes	N	U	P
Fuel Distributing Station, Gasoline (bulk plant)	N	U	P
Gasoline and Petroleum Bulk Storage Tanks	N	N	P
House-Movers, Equipment Storage or Wrecking Yards	N	N	P
Ice Manufacturing and Cold Storage	N	U	P

Key:

P = Permitted

S = Permitted with special standards or limitations

U = Use permit required

N = Not permitted

LID = Light Industrial District (previously IBD district)

GID = General Industrial District (previously I-1 and I-2 districts)

HID = Heavy Industrial District (previously I-3 district)

Table 3-302A Permitted Land Uses (LID, GID, HID)

Uses	Districts		
	LID	GID	HID
Industrial, Scientific, Bio-Technology or Business Research, Development and Testing Laboratories, and Offices	P	P	P
Junkyards	N	N	P
Machine shops	N	P	P
Manufacturing, not causing noxious orders, fumes, noise, dust or vibration	N	P	P
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	U(S)	S
Motion Picture/Recording Studios	P	P	P
Offices	P	P	P
Places of Worship (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school uses which are ancillary to main use Childcare center, private school, or charter school not ancillary to main use	P U	P U	P U
Public Uses Civic facilities (e.g., post office, library, city office, customer serving) Municipal Facilities (maintenance, repair and storage) Open space, parks, similar uses (See also, Schools)	P N P	P P P	P P P
Residence – of a caretaker or operator employed on the premises; such residence may include the family of the caretaker Mobile Home or Trailer	P U	P U	P U
Retail Commercial Operations – directly related to the primary industrial use may be permitted, provided they do not exceed 15% of the primary industrial use.	N	P	P
Retail Uses – allowed in the commercial and mixed-use districts (except outdoor display) may be allowed with a use permit [Section 3-202]	N	U	U
Similar Uses [Section 6-301]	S	S	S
Stadium, Arenas	N	U	P
Warehouse, including distribution centers	N	P	P
Wholesaling, Repairing, Storage, and Rental Activities – in conjunction with a permitted use	N	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)
Wood Products, Manufacturing	N	U	P

Key:

P = Permitted

S = Permitted with special standards or limitations

U = Use permit required

N = Not permitted

LID = Light Industrial District (previously IBD district)

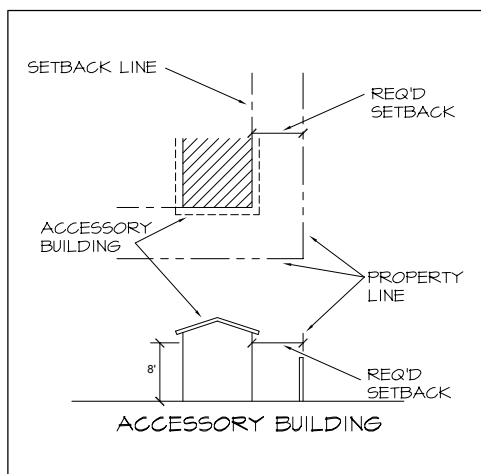
GID = General Industrial District (previously I-1 and I-2 districts)

HID = Heavy Industrial District (previously I-3 district)

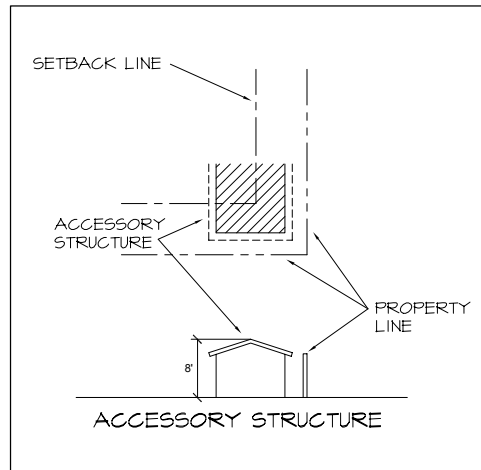
CHAPTER 4 – SPECIAL USE STANDARDS

Section 3-401 Accessory Buildings, Uses and Structures.

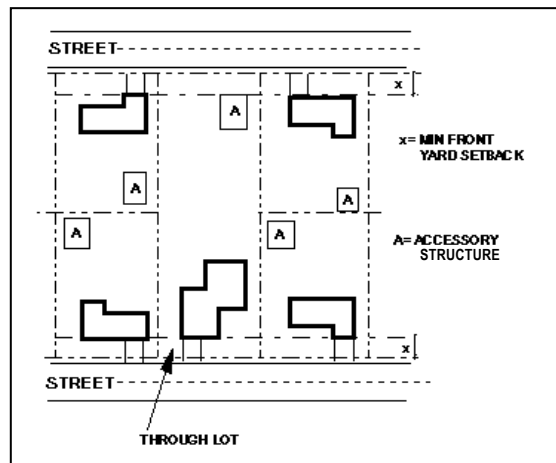
- A. Applicability.** *Accessory buildings, uses and structures* shall be incidental to the principal use. They must occupy less floor area, cover less *lot* area, and have a use that is secondary to the primary *structure(s)* and use(s) on the property. *Buildings, structures* (e.g., fence, carport, deck, etc.), and uses may all function as “accessory,” subject to the provisions below.
- B. Accessory Uses:** *Accessory buildings* may be used for *home occupations* in reference to Section 3-412.
- C. Accessory Building.** *Accessory buildings* (e.g., freestanding garages, large sheds, workshops, etc.) shall not be used for sleeping or living purposes, shall not have cooking facilities, are limited to the height of the existing residence, and must meet the *setbacks* for the district.
- 1. Use Permit.** A *use permit* is required for *accessory buildings* in the AG and all Single-Family Residential Districts.



- D. Accessory Structure.** An accessory *structure* (e.g., ramadas, small sheds) shall be located no closer to the front *property line* than the front *yard setback*, be limited to a maximum one hundred twenty (120) s.f. in area, and shall be equal to or less than eight (8) feet in height; an accessory *structure* may encroach into the rear, side, and street side *yard setback*, provided that required separation for fire protection is provided and the following standards are met:



1. On a *lot* in the AG district, an accessory *structure* shall not be located closer than twenty (20) feet from rear and side *property lines*;
2. On a *through lot*, an accessory *structure* shall not be located closer to the rear *property line* than the distance required for front *yard setback*; and



3. On a residential *lot* in the AG district, a shelter for the keeping of animals or fowl may be erected to the maximum height allowable for the main *building* in that district, subject to the *setback* requirements in Section 3-401 C.

Section 3-402 Accessory Dwellings.

Accessory dwelling units (ADUs) are permitted in the multi-family districts when a property contains a single-family residence, provided the following standards are met:

- A. **Use Permit.** Subject to approval of a *use permit*;
- B. **Building Codes.** Comply with applicable building codes and structural specialty codes;

- C. **One ADU per Lot.** A maximum of one (1) *accessory dwelling* unit is allowed per multi-family *dwelling lot*. Only *accessory dwelling* units shall be used for sleeping or living purposes;
- D. **Floor Area.** The minimum floor area of the *accessory dwelling* shall not be less than two hundred twenty (220) square feet or that required by the City of Tempe Building Code for rental housing, whichever is greater, nor to exceed twenty (20) percent of the floor area of the main residence on site;
- E. **Development Standards.** Comply with the *setback*, *building height*, *lot coverage*, and other applicable *development* standards. The ADU does not count toward *allowable density*; and
- F. **Infrastructure.** Sewer, water and utility *services* shall be provided to the *dwelling* in conformance with city standards.

Section 3-403 **Adult-Oriented Businesses.**

- A. **Purpose.** It is recognized that there are some uses, which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse secondary effects will not contribute to the blighting or downgrading of the existing surrounding neighborhood. These special regulations are itemized in this section. The purpose of the regulation is to promote the health, safety, and general welfare of the citizens of the city by preventing a concentration of these uses in any one area. It is not the intent of this Code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented *entertainment* to their intended market. Further, it is not the intent of this Code to permit any use or act, which is otherwise prohibited or made punishable by law.

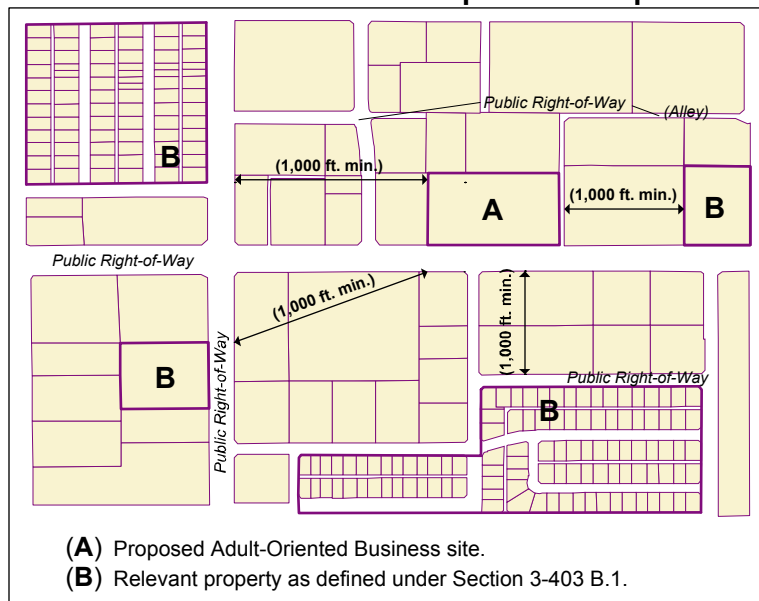
Cross reference—See also the following definitions in Part 7 of this Code: *adult-oriented business*, *adult arcade*, *adult bookstore* or *adult video store*, *adult cabaret*, *adult motel*, *adult motion picture theater*, *adult novelty store*, *adult service*, *adult service business*, *adult theater*, *adult video facility*, *escort*, *escort agency*, *nude model studio*, *nudity/state of nudity*, *sexual encounter center*, *specified anatomical areas* and *specified sexual activities*.

City code reference—See TCC §16A-56, *escort* definitions and rules; TCC §16A-112 et seq., *adult-oriented businesses*.

- B. **Locational Requirements.** *Adult-oriented businesses* are subject to the following:
 1. Allowed in the GID and HID zoning districts, subject to the following location requirements:

- a. No *adult-oriented business* shall be operated or maintained within one thousand (1,000) feet of another *adult-oriented business*; a *church*, synagogue, temple, or similar religious worship *building*; a child care facility, preschool, nursery, *kindergarten* or similar use; a public or private elementary or secondary *school*; a library; a public park; a public community *building*; a public or private recreational facility where minors are permitted;
 - b. No *adult-oriented business* shall be operated or maintained within one thousand (1,000) feet of an establishment having an Arizona spirituous liquor license with any of the following classifications: *Bar* (Series 06); Beer and Wine Bar (Series 07) or the equivalent of such licenses; and
 - c. No *adult-oriented business* shall be operated or maintained within one thousand (1,000) feet of a boundary of a residential district as defined herein; or the *property line* of a *lot* devoted to a residential use in any zone.
2. For the purpose of subsection 1 above, the distance limitations shall be measured as the shortest horizontal line between the *property lines* of the relevant properties involved. This measurement shall exclude any public right-of-way that is adjacent and connected to the recorded *lot lines* of the relevant properties involved in the measurement.

Figure 3-403. Adult-Oriented Business Separation Requirement



3. Any *adult-oriented business* that fails to comply with this section but which was lawfully operating before City Code Chapter 16A Article VI, took effect shall not be deemed to be in violation of this article when the article takes effect. However, such business will not be permitted to be increased, enlarged, extended or altered except the business may be changed so as to fully comply with this article. An *adult-oriented business* lawfully operating is not rendered in violation of this Code by the location, subsequent to the grant or renewal of the license herein, of any of the premises identified in subsections 1 and 2 above. (Ord. No. 95.49, 12-14-95)

C. Operational Requirements. Any *adult-oriented business* shall comply with the following requirements, as well as those contained in Tempe City Code, Chapter 16A 112 through 135:

1. Security plan required;
2. For the prevention of the spread of sexually transmitted disease, no partitions between *subdivisions* of a room, portion or part of a *building, structure* or premises may have an aperture which is designed or otherwise constructed to permit sexual activity between persons on either side of the partition; and
3. No booths, stalls, or partitioned portions of a room, or individual rooms, used for the viewing of motion pictures or other forms of *entertainment*, shall have doors, curtains or portal partitions, but all such booths, stalls, partitioned portions of a room, or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of *entertainment* are visible from the adjacent public rooms, but such lighting shall not be of such *intensity* as to prevent the viewing of the motion pictures or other offered *entertainment*:
 - a. The words "booth, stalls, partitioned portions of a room or individual rooms" mean such enclosures as are specifically offered to the public or members of that establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the *entertainment* to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the *entertainment* is dispensed for a fee, but a fee is not charged for mere access to the enclosure;
 - b. The words "booths, stalls, partitioned portions of a room or individual rooms" do not mean such enclosures that are private *offices* used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing *entertainment* for a fee, and are not open to any persons other than employees;
 - c. The words "doors, curtains or portal partitions" mean full, complete, nontransparent closure devices through which one cannot see or view the activity taking place within the enclosure; and

- d. The words "open to adjacent public room so that the area inside is visible to persons in the adjacent public room" shall mean either the absence of any "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexiglass or other such material meeting building code and safety standards, extending from the floor to the top of the door frame, exclusive of the door or device framing itself, so that the activity inside the enclosure may be viewed or seen by persons outside the enclosure.

Section 3-404 Agricultural Uses.

Agricultural uses, as provided in subsections below, are permitted in the AG district and shall conform to the following standards:

- A. Farming.** Farming, including all types of agriculture and horticulture, such as flower and vegetable gardening, field crops, berry and bush crops, tree crops, and orchards, and their storage.
- B. Livestock.** The keeping of livestock, including cattle, horses, sheep, goats or similar animals except the keeping of swine. The number of such livestock permitted shall be calculated on the basis of one horse, cow or similar animal, or two (2) sheep, goats or similar animal for each six thousand (6,000) square feet of net *lot* area after deducting one-half (1/2) acre for the home site. The total aggregate of all such animals permitted shall be twenty-four (24). Animals of six (6) months or younger shall not be counted.
- C. Apiaries.** Apiaries, upon the following conditions:
 - 1. Occupied bee hives shall be at least one thousand (1,000) feet from any existing *dwelling* on another property;
 - 2. Occupied bee hives shall have a minimum separation of one thousand (1,000) feet to any *property line*;
 - 3. Occupied bee hives shall have a minimum separation of one thousand (1,000) feet to any *street* or bridle path; and
 - 4. Apiaries shall require a *use permit*.
- D. Grazing.** The grazing and keeping of cattle, sheep or horses, except swine on a site of five (5) or more acres; including the supplementary feeding of such cattle, sheep, or horses, provided such grazing is not a part of, nor conducted in conjunction with any dairy or livestock sales *yard* located on the same premises.
- E. Processing of Farm Products.** Farming and processing of farm products, customarily conducted on farms, is permitted on a site of five (5) or more acres.
- F. Horse Stables.** A commercial horse stable may be permitted with a minimum net site of ten (10) acres or more.

- G. Keeping of Horses.** The keeping of horses for residential use is permitted in the AG district subject to Section 3-404B. Keeping of horses in the R1-15 and R1-10 district are permitted subject to a use permit provided the following conditions are met:
1. The zoning for such property was in effect prior to 1/20/85;
 2. The rear *yard* of site with R1-15 and R1-10 districts abuts property in the agricultural district and the conditions, covenants and restrictions of such agriculturally zoned property permits the keeping of horses;
 3. The *lots* in the R1-15 and R1-10 districts are not less than thirty thousand five hundred (30,500) square feet in area;
 4. The minimum distance from the rear of the *dwelling* unit to the rear *property line* is not less than two hundred (200) feet;
 5. The *lots* in the R1-15 and R1-10 districts are located south of Elliot Road; and
 6. The number of horses permitted shall be determined by following the criteria set forth in Section 3-404B.
- H. Dairy Farm.** A dairy farm may be permitted with a *net site area* of forty (40) acres or more.

Section 3-405 Bed and Breakfast.

Bed and breakfast use, where allowed with a *use permit*, shall conform to all of the following standards:

- A. Accessory Use.** A *bed and breakfast* facility must be accessory to a residential use on the subject site. This means that the individual or *family* who operates the facility must occupy the *dwelling* as their primary residence.
- B. Maximum Size.** *Bed and breakfast* facilities are limited to a maximum of five (5) bedrooms for guests and the maximum occupancy per night shall be established by *use permit*.
- C. Employees.** *Bed and breakfast* facilities may have nonresident employees for the lodging activity such as booking rooms and food preparation, if approved as part of the *use permit*. Hired *service* for normal *maintenance*, repair and care of the residences or site such as *yard maintenance* may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of the *use permit* approval.
- D. Service to Guests.** Food *services* may only be provided to overnight guests of a *bed and breakfast* in residential districts. Food *service* may be provided to overnight guests and other guests in all *mixed-use* (MU) districts. Any other *service* is subject to the use requirements of the zoning district.

E. Meetings and Social Gatherings.

1. Commercial meetings – Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited at a *bed and breakfast* facility.
2. Private social gatherings – The residents/guests of *bed and breakfast* facilities may be allowed to have social gatherings, parties, or meetings if authorized in the *use permit*.

Section 3-406 Boutique.

Home, religious organization, or not-for-profit *service* organization boutiques, where permitted, shall conform to the following conditions:

- A. Enclosed.** The boutique shall be carried on wholly within a *dwelling* unit, *school* (private), or a *place of worship*.
- B. Products Sold.** The boutique shall primarily sell locally handcrafted items.
- C. Operation.** The boutique shall operate for not more than any five (5) consecutive days in each one-half (1/2) calendar year at any one location. The activity shall be limited to the hours between 9:00 a.m. and 8:00 p.m.
- D. Impacts.** There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare produced by the boutique. The activity shall not generate such additional traffic and *parking* in the area of the boutique which would create a traffic or safety hazard.
- E. Signs.** All *signs* used by the boutique shall comply with this Code, Section 4-903C.
- F. Sales Tax.** The boutique shall comply with the applicable transaction privilege (sales) tax provisions of the Tempe City Code (TCC) §16-1 et seq.
- G. License.** The operator or sponsor of the boutique must apply for a city transaction privilege (sales) tax license a minimum of ten (10) days prior to the start of the boutique and obtain the license prior to conducting business.
- H. Violation.** Any violation of the above conditions shall cause the immediate revocation of the boutique's privilege to transact business within the city.

Section 3-407 Child Care, In Home.

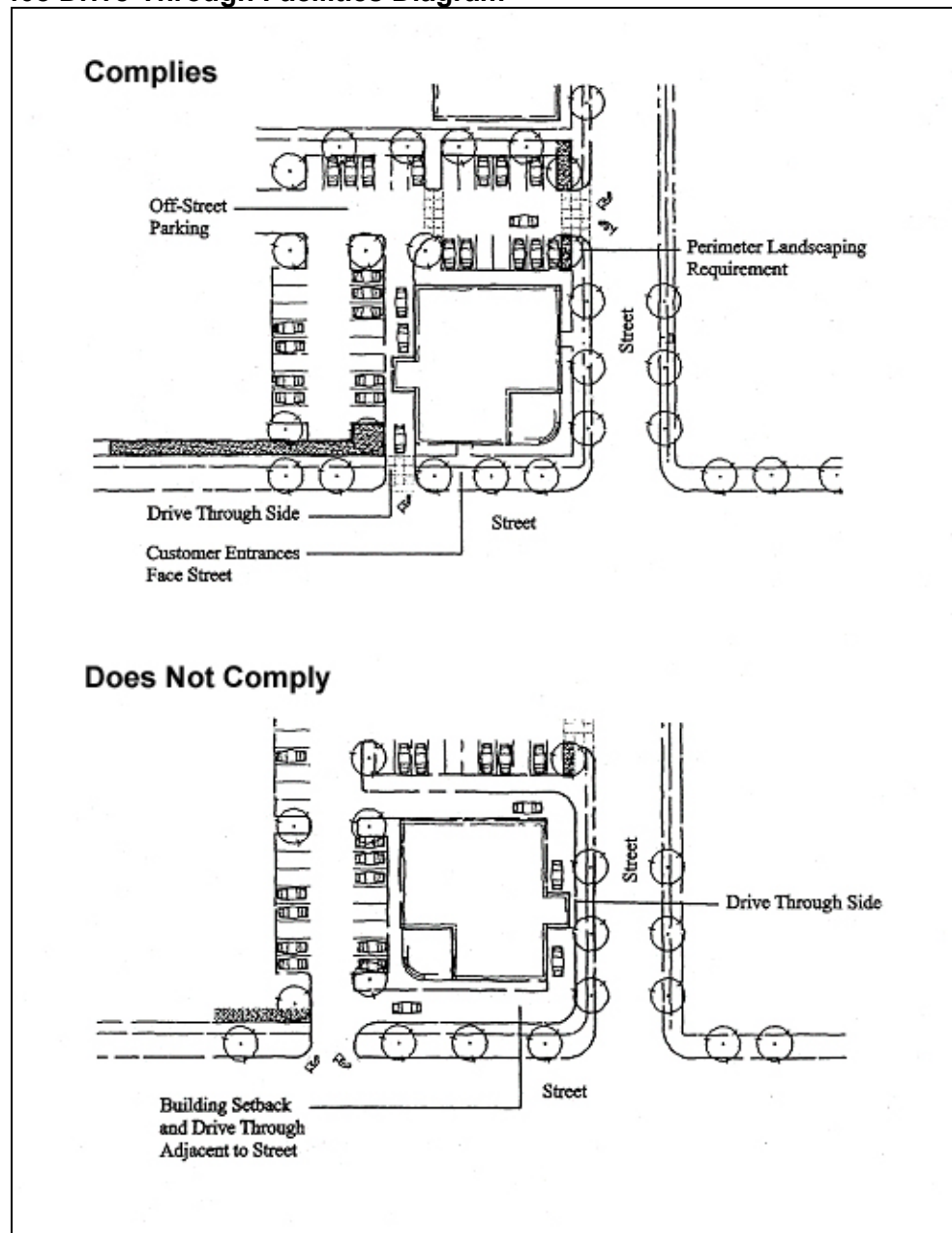
- A. License and Certified.** Licensed, certified or approved by the State of Arizona;
- B. Administrative Review.** Such home must be reviewed and approved and have a certificate of occupancy issued for the use by the Development Services Manager for building codes (including pool fence requirements) and land use code compliance prior to use commencing; See Arizona Revised Statutes, Division 43; and

- C. **Use Permit.** In home day care for seven (7) to ten (10) children shall require a *use permit* and comply with Section 3-407A and B above.

Section 3-408 Drive-Through Facilities.

New *drive-through facilities* shall be oriented toward side or rear yards and not placed between the *street* right-of-way and the primary customer entrance. Minimum width of drive-through lane is nine (9) feet.

Figure 3-408 Drive-Through Facilities Diagram



Section 3-409 Group Homes for Adult Care, Persons with Disabilities, and Child Shelter.

Group homes for adult care, persons with disabilities, and child shelters shall comply with the following provisions:

- A. Distribution of Uses.** No such home or shelter is located on a *lot* within one thousand two hundred (1,200) feet, measured by a straight line in any direction, from the *lot line* of another group home;
- B. Occupancy.** The number of residents is limited by applicable state laws, including any minimum square footage requirement per person, but in no event shall the number of residents exceed ten (10);
- C. License.** Such home is licensed by, or certified by, or approved by, or registered with, funded by or through, or under contract or subcontract with, the State of Arizona. See Arizona Revised Statutes, Division 36; and
- D. Administrative Review Required.** Such home must be reviewed and approved by the Development Services Manager for building code and land use compliance prior to the use commencing.

Section 3-410 Boarding Room.

A *boarding room* or sleeping room for rent in a single-family residence, shall provide occupancy for not more than two (2) persons, and shall have no provision for cooking facilities. All points of ingress or egress to such room shall be located through the main residence of which such room is an integral part; this excludes doors opening to patios or balconies that are part of the main residence.

Section 3-411 Guest Quarters.

Guest quarters are designed to house guests of the residents of the main *building* on the site. Such quarters may provide cooking facilities, but shall not be rented or leased independently from the main *building*. The minimum floor area of the *guest quarters* shall not be less than two hundred twenty (220) square feet or the minimum required by the City of Tempe Building Code, whichever is greater.

- A. Guest Quarters Permitted.** *Guest quarters* are permitted in the AG District when such *guest quarters* are attached to the main *building*, carport or garage, or when connected by a breezeway to the main *building*, carport or garage. Such breezeway shall extend no farther than thirty (30) feet from the main *building*, carport or garage, shall be a minimum of six (6) feet in width and shall be connected to the main *building*, carport or garage by a continuous matching *roof structure*.
- B. Guest Quarters Permitted with a Use Permit.** *Guest quarters* may be permitted with a *use permit* for the following:

1. *Guest quarters* detached from the main *building*, carport or garage in the AG District; or
2. *Guest quarters* attached or detached from the main *building*, carport or garage in all Single-Family Residential Districts.

Section 3-412 Home Occupation.

Home occupations are permitted subject to administrative review to allow small commercial ventures for which the leasing of commercial quarters is not cost effective and which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. *Home occupations* are permitted in all residential *dwellings* as an *accessory use* (see Section 7-102 for definition), subject to the following standards to protect the residential character of Tempe's neighborhoods:

A. Appearance of Residence.

1. The *home occupation* shall be restricted to lawfully-built enclosed *buildings* and be conducted in such a manner as not to give an outward appearance of a business;
2. The *home occupation* shall not result in any structural *alterations* or additions to a *building* that will change its primary use or building code occupancy classification;
3. The *home occupation* shall not violate any conditions of *development* approval (i.e., prior development permit approval);
4. Products and or equipment produced or used by the *home occupation* shall not be displayed or visible from outside any *building*; and
5. No offensive noise, vibrations, smoke, dust, odors, heat or glare shall be produced.

B. Storage.

1. On-site storage and use of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
2. Inventory, products, equipment, fixtures, and activities associated with the *home occupation* shall be allowed in any *building*, provided that the *building* conforms to the provisions under Section 3-412A, Appearance of Residence.

C. Employees.

1. A person who is not a *family* member residing within the *dwelling* located on the *home occupation* site is not permitted to work for the benefit of the *home occupation* without a *use permit*, but under no circumstance shall more than one such non-*family* member employee be permitted.
2. Additional individuals may be employed by or associated with the *home occupation*, so long as they do not report to work or pick up/deliver at the home.
3. The *home occupation* site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs. *Home occupations* may display address numerals and an *identification sign* no more than one (1) square foot in size in accordance with Section 4-902, related to *signs* permitted with residential uses.**E. Vehicles, Parking and Traffic.**

1. Vehicles associated with the *home occupation* must comply with TCC Section 21-4.
2. There shall be no more than three (3) commercial vehicle deliveries to or from the *home occupation* site daily. There shall be no commercial vehicle deliveries during the hours of 10 p.m. to 7 a.m.
3. There shall be no more than one (1) client or customer vehicle on the premises at any one (1) time and the activity shall not generate traffic beyond that normal in its district.

F. Business Hours. Clients or customers are permitted at the *home occupation* from 7 a.m. to 8 p.m. only. Additional hours of operation for such use shall require the approval of a *use permit*.**G. Prohibited Uses:** A *home occupation* shall not include the sale of commodities on premises nor the following: clubs, barber shops, beauty parlors, commercial stables, veterinary offices, hospitals, hotels, motels, kennels, restaurants, motor vehicle repairing, massage parlors, and any use that does not conform to the provisions in Section 3-412A-F.**Section 3-413 Hospitals, Sanitariums, and Nursing Homes.**

Any *building* used for one (1) or more of the following uses shall be not less than fifty (50) feet from the *lot line* of any adjoining property: *Hospitals* or sanitariums for the treatment of human ailments, nursing or convalescent homes, orphanages, and institutions for the mentally disabled, epileptic, drug or alcoholic patients; homes for the aged, without cooking facilities in individual *dwelling* units; and related institutions of an educational, religious, or philanthropic nature.

Section 3-414 Live-Work.

Live-work is permitted in all *Mixed-Use* (MU) districts and in the CC and R/O districts, and is permitted with a *use permit* in the PCC-1, PCC-2, and all multi-family districts. *Live-work* is permitted to provide a housing and employment option that is transportation efficient and low-impact on adjacent neighborhoods. *Live-work* uses are subject to the standards for *home occupations* in Section 3-412, with the following exceptions:

- A. **Employees.** Two (2) employees, in addition to the *family* members residing in the *dwelling*, may work on premises as a matter of right. Additional employees may be authorized subject to the provisions of a *use permit*;
- B. **Signs.** *Signs* are permitted that do not exceed two (2) square feet of combined area for all *signs* and comply with the standards for commercial use *signs* in 4-902.
- C. **Vehicles, Parking and Traffic.** All *live-work* units in the MU-1, MU-2, MU-3, MU-4 and CC, PCC-1 and PCC-2 districts are exempt from the standards in Section 3-412 E. All *live-work* units in multi-family districts (R-2, R-3R, R-3, R-4, and R-5) shall comply with Section 3-412 E.

Section 3-415 Mini-Warehouse/Rental Storage Facilities.

Mini-warehouse/rental storage facilities are for storage purposes only. No retailing is permitted from a rented storage unit.

Section 3-416 Mobile Homes.

- A. **Access.** A minimum of two (2) vehicular entrances shall be provided for each *mobile home park*, *mobile home subdivision*, and *trailer park development*. One (1) entrance may be kept closed to the general public if provision is made for emergency access and if this entrance is not necessary to accommodate the volume of traffic generated by uses on the site.
- B. **Perimeter Walls.** Perimeter boundaries of all *mobile home parks*, *mobile home subdivisions* and *trailer parks* shall have a perimeter wall with a minimum height of eight (8) feet, measured from the highest adjacent *grade* within twenty (20) feet. The wall shall be of masonry or concrete construction, with architectural texture, finish, and color to be compatible with other *buildings* in the vicinity. The perimeter wall shall be designed to create an attractive appearance, incorporating elements such as recesses, piers, pilasters, contrasting courses and texture. The area between the wall and the *public street* shall be *landscaped*, and the wall may contain pedestrian access gate(s), as approved through *development* plan review. *Street* frontage *landscape* areas of *mobile home* and *trailer park developments* shall be maintained by the *mobile home* or *trailer park* operators.

Section 3-417 Outdoor Retailing.

- A. Purpose.** To allow sales of merchandise for a limited and temporary time without use of a permanent *structure*.
- B. Applicability.** Outdoor retailing is allowed subject to a *use permit* and the following regulations:
1. Must be on the site specified by the *use permit* and outside of the public right-of-way;
 2. Must have property owner's written authorization;
 3. Outdoor retailing shall not occupy required *parking* areas, pedestrian paths, *landscaped* areas, or vehicular driveways (including fire lanes);
 4. Any outdoor retailing must allow for a minimum six (6) foot wide pedestrian path across any *building* frontage and to and from all *building* entrances and exits;
 5. The applicant must be in compliance with all regulations related to such permit and all applicable codes and laws;
 6. Sound amplification may not be used for sales demonstrations; and
 7. Outdoor retailing signage size and location shall be established by the *use permit*.

Section 3-418 Outdoor Retail Display.

- A. Purpose.** The purpose of this section is to allow a business or tenant to display an incidental amount of merchandise adjacent to the exterior of a *building*.
- B. Applicability.** Outdoor displays are allowed in the CC district only, subject to the following regulations:
1. Displays in city right-of-way are subject to an encroachment permit or lease;
 2. Displays shall not occupy required *parking* areas, pedestrian paths, *landscaped* areas, or vehicular driveways (including fire lanes);
 3. Displays shall be located within three (3) feet of the business space;
 4. Any display must allow for a minimum six (6) foot wide pedestrian path across the *building* frontage and to and from all *building* entrances and exits;
 5. Displays are limited to the normal hours of operation;
 6. Solid display *structures* are limited to four (4) feet in height and total display area shall not obscure more than twenty five percent (25%) of window area;
 7. Display merchandise shall be the same as that sold inside the store;

8. Sound amplification may not be used for sales demonstrations;
9. Outdoor *retail* display signage shall not exceed a total of three (3) square feet; and
10. Sale or transaction of display items shall be made inside the place of business.

Section 3-419 Residential Sales Office, Temporary.

Temporary residential sales *offices* are permitted for the sale of homes being constructed on the premises and for a period not exceeding twenty-four (24) months. Extension of this time requires approval by the Hearing Officer or Board of Adjustment who shall find that the *office* meets the standards of this section and a hardship exists warranting the extension that is beyond the applicant's control. The residential sales *office* is subject to the following conditions:

- A. **Location.** Temporary residential sales *offices* may be located in a *building* designed as a *dwelling* unit or in a modular *office building* located on the site.
- B. **Temporary Certificate of Occupancy.** Prior to use of the premises as a temporary residential sales *office*, the sales *office* must meet all applicable building codes, and a temporary certificate of occupancy shall be obtained from the Development Services Manager.
- C. **Conversion and Final Approval of Dwelling.** Prior to the sale of any *dwelling* that has been used as a temporary residential sales *office*, the *dwelling* shall be restored to comply with all applicable codes and ordinances, and final approval obtained from the Development Services Department.

Section 3-420 Single-Family Residential Second Story Addition or Rebuild.

A *use permit* is required for any single story, single-family residence to add, expand, or rebuild for a second story. This section shall not apply to replacement *dwellings* where the *dwelling* occupying a *lot* was demolished prior to the effective date of this Code.

Section 3-421 Wireless Telecommunication Facilities.

- A. **Towers:** Wireless telecommunications towers and related equipment facilities shall be allowed upon approval with a *use permit*. Subject to the provisions of subsection C below, co-location on existing towers is subject only to an administrative review.
- B. **Building-Mounted:** Building-mounted telecommunications shall be integrated into the design of the *building* or be fully screened, and in either case must receive *development* plan approval as a *building* modification. Satellite dishes not exceeding two (2) feet in diameter shall be permitted in any zoning district. Building-mounted dishes shall require administrative review, except for residential uses. Building-mounted dishes greater than two (2) feet in diameter are permitted only in commercial, *mixed-use*, and *office/industrial* districts and shall require a *use permit*.

- C. Co-location:** *Wireless Telecommunication Facilities* may be co-located, subject to administrative review only. Any addition to the existing height or change in appearance of the tower, as determined by the Development Services Manager, to facilitate co-location may require a *use permit*. *Wireless Telecommunication Facilities* to be attached to existing light, power or telephone poles shall require a *use permit*.
- D. Application Requirements.** An applicant for a new *Wireless Telecommunication Facilities use permit* shall submit the following information:
1. *Use permit* application, including a *development* plan when applicable.
 2. For towers, monopoles, and similar proposals, a visual study containing, at a minimum, a vicinity map depicting where, within a one-half (1/2) mile radius, any portion of the proposed *Wireless Telecommunication Facilities* could be visible, and a scaled graphic simulation showing the appearance of the proposed tower and *accessory structures* from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation measures. Such points are to be mutually agreed upon by the Development Services Manager and the applicant.
 3. Documentation of the steps that will be taken to minimize the visual impact of the proposed *Wireless Telecommunication Facilities*.
 4. A *landscape plan* drawn to scale that is consistent with the need for screening at the site. Any existing vegetation that is to be removed must be clearly indicated and provisions for mitigation included where appropriate.
 5. A feasibility study for the co-location of telecommunication facilities as an alternative to new *structures*. The feasibility study shall include:
 - a. An inventory, including the location, ownership, height, and design of existing *Wireless Telecommunication Facilities* within one-half (1/2) mile of the proposed location of a new *Wireless Telecommunication Facilities*. The city may share such information with other applicants seeking permits for WTFs, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
 - b. Applicant shall document efforts made to co-locate on existing towers. Each applicant shall make a good faith effort to contact the owner(s) of existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact. Co-location shall not be precluded simply because a fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. Co-location costs exceeding new tower *development* are presumed to be unreasonable.
 6. The Development Services Manager may request any other information deemed necessary to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.

E. Abandoned Tower/Antenna.

1. The wireless telecommunication tower/antenna shall be removed within thirty (30) days of discontinuance of the tower/antenna's use.

Section 3-422 Amateur Radio Antennas.

Amateur radio antennas for non-commercial use.

A. Antennas Permitted. Amateur radio antennas are permitted in all zoning districts subject to the following standards:

1. Antenna *structures* are allowed up to thirty-five (35) feet in height;
2. Antenna *structures* shall comply with *setback* standards for the zoning district in which it is located and in all residential zoning districts, shall be located in the rear half of the *lot*;
3. Antennas, including support *structures*, shall not extend beyond the *property line*; and
4. When a Federally Licensed Radio Amateur no longer occupies the subject property, the antenna *structure* shall be removed.

B. Antennas with a Use Permit. All amateur radio antennas that exceed thirty-five (35) feet in height shall require approval of a *use permit*. Such antennas shall be of telescoping design and lowered to a height of no more than thirty-five (35) feet when not in use. In no event shall an amateur radio antenna exceed the height of seventy-five (75) feet.

CHAPTER 5 – NON-CONFORMING USE OR DEVELOPMENT

Section 3-501 Purpose.

The purpose of this section is to allow *non-conforming uses* and *developments* to continue, but not to encourage their perpetuation; and ultimately bring *development* and uses into conformance with this Code.

Section 3-502 General Provisions.

- A. **Legal Non-Conforming Uses and Non-Conforming Developments.** Nothing in this Code shall affect existing property or the right to its continued use for the purpose used at the time the Code takes effect, nor to make any reasonable repairs or *alterations* in *buildings* or property used for such legal existing purpose.
- B. **Approved Projects.** Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any *building* for which a *building* permit has been lawfully issued prior to the effective date of adoption or amendment of this Code.

Section 3-503 Legal Non-Conforming Development.

All *developments* may be maintained but shall not be re-erected, relocated, or replaced unless brought into compliance with this Code.

Section 3-504 Legal Non-Conforming Use.

A *non-conforming use* may be expanded or enlarged to an extent not exceeding twenty-five percent (25%) of the land area or *building* floor area devoted to the use at the time it became non-conforming. Such expansion shall require a *use permit*.

Section 3-505 Discontinuance of a Legal Non-Conforming Use.

Whenever a *non-conforming use* has been abandoned or ceases to exist for a period in excess of one (1) year, such use shall not thereafter be re-established, as long as the period of non-use is attributable at least in part to the property owner, tenant or other person or entity in control of the use. For purposes of this Code, rental payments or lease payments and taxes shall not be considered as a continued use.

Section 3-506 Damage to a Legal Non-Conforming Development.

If a *non-conforming development* is damaged by any means to an extent exceeding fifty percent (50%) of its most recent, pre-damage valuation, as determined by a qualified appraiser, and as approved by the Development Services Manager. Any repair, replacement, or reconstruction of that *development* on the site shall conform to the requirements of the district in which it is located, unless the Development Services Manager deems a deviation from the requirements of this section is appropriate for Historic Preservation purposes.

Section 3-507 Legal Non-Conforming Lots of Record.

A legal, non-conforming *lot*, existing at the time of adoption of this Code, may be *developed* with a use permitted in the district for which the *lot* is zoned, subject to complying with the current standards of that district except for, *lot* size, width and depth.